



PUBLIC NOTICE

Federal Communications Commission
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**THE WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES THAT
IT IS PREPARED TO GRANT APPLICATIONS FOR LICENSES TO OPERATE IN THE
MULTIPLE ADDRESS SYSTEMS BANDS**

(Balance of Winning Bids are due by March 22, 2002)

Auction Event No. 42

On December 27, 2001, ten long-form applications (FCC Form 601) for the authority to operate in the 928/959 MHz and 932/941 MHz (MAS) bands were placed on public notice as accepted for filing.¹ On January 28, 2002, three long-form applications for the authority to operate in the Multiple Address Systems bands were placed on public notice as accepted for filing.² Upon review of these long-form applications, the Wireless Telecommunications Bureau is prepared to grant the 13 long-form applications that are listed in the Attachment. These grants will occur upon the full and timely payment of the remaining balance of the applicant's winning bid(s) by March 22, 2002, which is ten business days after the date of this public notice.³

Note that the Commission's Part 1 competitive bidding rules also provide an additional ten business day grace period for applicants who fail to meet the initial ten business day payment deadline.⁴ Under Section 1.2109(a) of the Commission's Rules, applicants who fail to meet the initial ten business day payment deadline are given an additional ten business days in which to pay, provided they also pay a late fee equal to five percent of the amount due.⁵ Applicants listed in the Attachment who do not submit the required payment by the late payment deadline of April 5, 2002, will be considered in default and are subject to

¹ Wireless Telecommunications Bureau Announces that Certain Applications for the Authority to Operate in the Multiple Address Systems Bands are Accepted for Filing, *Public Notice*, 17 FCC Rcd 53 (WTB 2001).

² Wireless Telecommunications Bureau Announces that Certain Applications for the Authority to Operate in the Multiple Address Systems Bands are Accepted for Filing, *Public Notice*, 17 FCC Rcd 1580 (WTB 2002).

³ See 47 C.F.R. § 1.2109(a).

⁴ See Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures, WT Docket No. 97-82, *Third Report and Order and Second Further Notice of Proposed Rule Making*, 13 FCC Rcd 374 (1997) (amending the Commission's Part 1 Competitive Bidding Rules); see also 47 C.F.R. § 1.2109(a) (as amended).

⁵ See 47 C.F.R. § 1.2109(a).

automatic license cancellation and additional default payments.⁶ Should an applicant default, it will be subject to a payment equal to the difference between the amount bid and the amount of the winning bid the next time the license is offered by the Commission.⁷

In addition, defaulting applicants will be subject to a default payment of three percent of the subsequent winning bid or three percent of the defaulting bid, whichever is less. These amounts will be deducted from any remaining upfront payments or down payments that the defaulting or disqualified applicant has on deposit with the Commission.⁸ If the default occurs within ten business days after the bidding has closed, the Commission retains the discretion to offer the license to the other bidders in descending order of their bid amounts at the final bid levels.⁹

Issuance of Individual Licenses

Following the timely payment of the balance of the applicant's winning bid amount(s), the Commission will issue individual license(s) for each market to the applicant(s) listed in the Attachment.

PAYMENT INSTRUCTIONS

Final Payments. All applicants identified in the Attachment must submit the balance of their winning bids in lump sum payments to Mellon Bank by March 22, 2002.

Method of Payment. All payments must be in U.S. dollars and made in the form of a wire transfer. No personal checks, credit card payments, or other forms of payment will be accepted. **All payments must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159).**¹⁰ A partially completed copy of the FCC Form 159 will be sent to each applicant on March 8, 2002 to facilitate submission of the correct remaining balance of the winning bid(s). Applicants listed in the Attachment who have not received the partially completed FCC Form 159 by March 13, 2002 should contact Gail Glasser at 202-418-1995. **However, each applicant is ultimately responsible for the verification and submission of the correct balance due.**

Wire transfer payments must be received by Mellon Bank by 6:00 p.m. Eastern Time, on Friday, March 22, 2002. Applicants should coordinate with their bankers ahead of time regarding their wire transfers, and allow sufficient time for the wire transfer to be initiated and completed prior to the deadline. To submit funds by wire transfer, applicants will need the following information:

ABA ROUTING NUMBER: 043000261
RECEIVING BANK: Mellon Bank
BENEFICIARY: FCC/Account# 911-6106
OBI FIELD: (Skip one space between each information item)
"AUCTIONPAY"

⁶ See 47 C.F.R. §§ 1.2104(g)(2)(as amended), 1.2109, 1.2107(b), 101.1105; *see also* Wireless Telecommunications Bureau Will Strictly Enforce Default Payment Rules, *Public Notice*, 11 FCC Rcd 10853 (1996).

⁷ See 47 C.F.R. § 1.2104(g)(2).

⁸ See 47 C.F.R. § 1.2106(e).

⁹ See 47 C.F.R. S 1.2109(b).

¹⁰ Copies of the FCC Form 159 may be obtained by calling the Commission's Forms Distribution Center at 1-800-418-3676 (outside Washington, D.C.) or 202-418-3676 (in the Washington area). Copies of the FCC Form 159 can also be obtained via the Internet <<http://www.fcc.gov/formpage.html>> or by Fax-On-Demand at 202-418-2830.

FCC REGISTRATION NUMBER (FRN): (same as FCC Form 159, Block 11 and/or 21)
PAYMENT TYPE CODE: (same as FCC Form 159, Block 24A: "A42D")
FCC CODE 1: (same as FCC Form 159, Block 28A: "42")
PAYOR NAME: (same as FCC Form 159, Block 2)
LOCKBOX NO.: (same as FCC Form 159, Block 1, "358850")

Applicants must fax a completed FCC Form 159 to Mellon Bank at 412-209-6045 at least one hour before placing the order for the wire transfer (but on the same business day).

Proper completion of the FCC Form 159 is critical to ensuring correct credit of bidder deposits. Applicants must use the same Taxpayer Identification Number and/or FCC Registration Number used on their FCC Form 601. Questions concerning the calculation and submission of final payments should be directed to Gail Glasser or Tim Dates at 202-418-1995.

For further information, contact:

News Media:	Meribeth McCarrick at 202-418-0654
Technical Support Hotline	Technical Support Personnel at 202-414-1250
Office of the Managing Director (payment, FCC Form 159 and refund questions):	Gail Glasser or Tim Dates at 202-418-1995
Wireless Telecommunications Bureau, Public Safety and Private Wireless Division (FCC Form 601 questions):	Shellie Blakeney at 202-418-1784

This Public Notice contains an Attachment.